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May 11, 2022

Via ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: Rosen v. United Healthcare Service LLC
22 Civ. 2090 (LGS)**

Dear Judge Schofield:

In accordance with this Court's Individual Practice rules, Plaintiff is requesting an adjournment of the initial planning conference scheduled for May 18, 2022 at 4:30 pm. The reason for the request is that Defendant has not yet appeared in this ERISA case.

The case was initially filed on March 14, 2022 and the caption was amended on March 24, 2022 along with an amended summons. Service was effectuated by serving the New York State Secretary of State on April 5, 2022, allowing 30 days for a response. (See Dkt # 11-affidavit of service filed on April 8, 2022). Serving the Secretary of State is conclusively proper service. (See NY Bus Law 306). Since there was no timely response, we have also forwarded a copy of the summons and complaint to the last level of the internal appeal since we do not know who is representing the Defendant.

If the Defendant fails to appear within ten days, Plaintiff will move to hold Defendant in default. Thus, Plaintiff respectfully requests that the conference be adjourned.

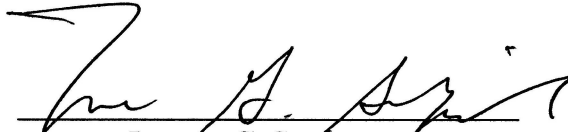
Thank you for your consideration herein.

Very truly yours,

s/Stewart Lee Karlin
STEWART LEE KARLIN

The application is **GRANTED**. The initial pretrial conference scheduled for May 18, 2022, is **adjourned to June 1, 2022, at 4:30 p.m.**, on the following conference line: 888-363-4749, access code: 558-3333. By **May 25, 2022**, the parties shall file a joint letter and proposed case management plan and scheduling order. If Defendant has not appeared in this action by May 25, 2022, Plaintiff shall move for default pursuant to Attachment A of the Court's Individual Rules. The Clerk of Court is respectfully directed to close the motion at Docket No. 12.

Dated: May 11, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE